

### **REMARKS/ARGUMENTS**

Prior to entry of this Amendment, the application included claims 1-19. No claims have been amended. Claim 9 has been canceled and rewritten in independent form as claim 20. Only claim 20 has been added. Hence, after entry of this Amendment, claims 1-8 and 10-20 stand pending for examination.

Claims 1, 2, 11 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the cited portions of U.S. Patent Publication No. 2005/0114364 to Tebbs et al. (“Tebbs”).

Claims 3-10 and 13-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tebbs in view of the cited portions of U.S. Patent Publication No. 2004/0083226 to Eaton (“Eaton”).

The Applicants respectfully request that the amendments herein be entered as a matter of right, since the only amendment is to rewrite a previously dependent claim (claim 9) into independent form as claim 20. If the case is not advanced to allowance, the amendments herein will narrow and highlight issues on appeal.

#### **Rejections Under 35 U.S.C. § 102**

The Applicants respectfully traverse the rejections of all pending claims. The cited references do not teach or suggest all claim elements. Claim 1, for example, recites, in part, “wherein the records indicate multiple alternatives for at least one person of the family tree, and wherein the records comprise correlated records having been subjected to one of an individual correlation process and a relationship correlation process to thereby determine a likelihood that two or more of the records represent the at least one person.” The cited references do not teach or suggest records indicating multiple alternatives for at least one person.

Tebbs is cited for teaching the element quoted above. But Tebbs does not teach multiple alternative records for at least one person. Tebbs appears to teach a system and methods to “quantify the quality of genealogical data.” (See Tebbs, ¶[0025].) Fig. 4, in particular, depicts a record for an individual having multiple layers of attributes (i.e., “pieces of information associated with an individual”; ¶[0027]). Tebbs teaches a method wherein users may rate the quality of the information presented for an individual, but Tebbs does not teach “records [that] indicate multiple alternatives for at least one person of the family tree” as recited in claim 1.

Moreover, while Tebbs appears to teach a rating system for genealogical data, Tebbs does not teach either an individual correlation process or a relationship correlation process that “determine a likelihood that two or more of the records represent the at least one person.” Hence, for at least the foregoing reasons, claim 1 is believed to be allowable. Claims 11 and 20 include similar elements and are believed to be allowable, at least for similar reasons.

### **Rejections Under 35 U.S.C. § 103**

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable for reasons similar to those discussed above.

Claim 20 is believed to be allowable for the additional reason that neither Tebbs nor Eaton teaches or suggests “providing an opportunity for the user to select among the alternatives; . . . thereafter, receiving additional genealogy data that creates new alternatives in the family tree; and notifying the user of the new alternatives, wherein notifying the user comprises sending the user a file comprising the family tree, wherein the file includes a new alternatives symbol.” As discussed above, Tebbs does not teach alternatives for individuals, although Tebbs appears to teach a rating system for data relating to a particular individual. Eaton does not cure the deficiency. Eaton appears to teach methods for improving the efficiency of downloading, but is specifically limited to structures in which only different individuals are represented. (See Eaton, ¶[0041].) Hence, neither Eaton nor Tebbs teaches or suggests the

elements quoted above. Hence, claim 20 is believed to be allowable, at least for this additional reason.

### **Conclusion**

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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